

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

June 9, 2015

#### CERTIFIED MAIL RETURN RECEIPT

7014 0150 0000 1194 2975

Kevin Butters  
C E Butters Realty and Construction  
760 North Highway 89  
Harrisville, Utah 84404

Subject: Notice of Non-payment of Annual Fees and Failure to Address a Division Directive, Towers Sand and Gravel LLC, Towers Sand and Gravel Mine, M/057/0006, Weber County, Utah

Dear Mr. Butters:

Approval by the Division of Oil, Gas and Mining (Division) to conduct operations at the Towers Sand and Gravel mine is suspended for failure to pay annual permit fees. Continued operation without paying the fees will be subject to a cessation order and associated fines. The total amount of the permit fees is \$1,000.00. Failure to pay the fee may, after notice and opportunity for a Board hearing, result in a withdrawal of the approved Notice of Intention to Commence Large Mining Operations (Notice) (R647-4-102).

In addition, the Division has not received an annual report for 2014, nor have issues been addressed which were defined in a directive issued April 9, 2014. The Division directed that the operations plan in the Notice for the Towers Sand and Gravel mine be amended to account for waste concrete and asphalt that is being processed for recycling at this facility. The directive also required updated site plans showing the locations where these activities are located in the permit area.

The current Notice for this site states in Section 106.2 on Page 6: "*This is a sand and gravel operation including excavation of bank runs – crushing & screening, blasting, and also recycling...*" This statement does not identify what the "recycling" materials are or methods of "recycling." Nor is the area of recycling shown on any of the maps or diagrams in the Notice as required by rule:

#### **R647-4-105. Maps Drawings and Photographs.**

*2. A facilities map shall be provided at a scale of approximately 1" = 200' or other scale as determined necessary by the Division. The following information shall be included on the surface facilities map:*

*2.11. Proposed surface facilities, including but not limited to buildings, stationary mining/processing equipment, roads, utilities, power lines, proposed drainage control structures, and the location of topsoil storage areas, tailings or processed waste facilities,*





*disposal areas for overburden, solid and liquid wastes and wastewater discharge treatment and containment facilities;*

**R647-4-106. Operations Plan.**

*The operator shall provide narrative description referencing maps or drawings as necessary, of the proposed operations including:*

*4.0 A description of the nature of the materials to be mined or processed including waste/overburden materials and the estimated annual tonnages of ore and waste materials to be mined;*

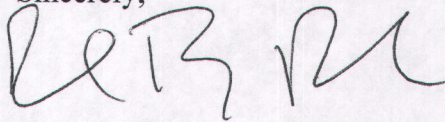
The concrete and asphalt are considered waste materials and must be identified as such in the operations plan. In addition, topsoil has been imported and is being stored in areas not identified on the maps in the Notice. Please include these topsoil storage locations on the amended site map.

As of the writing of this letter, there has been no response to the directive. This notice is to inform you that if no response is received to the Directive by June 30, 2015, a follow-up inspection will be conducted. If the inspection finds that these activities are still occurring, a Notice of Violation will be issued for conducting unpermitted activities.

The information requested to be included in the permit amendment should not be difficult to produce, nor should it take an inordinate amount of time to do so. An amendment to a Notice does not require a public notice or comment period. To avoid further regulatory action by the Division, your cooperation with this request will be greatly appreciated.

Please contact the permit lead, Mike Bradley, at 801-538-5332 if you have questions about these issues.

Sincerely,



Paul B. Baker  
Minerals Program Manager

PB:mpb:eb

cc: Valerie Claussen, Assistant City Administrator/Planner, Pleasant View City ([vclaussen@pleasantviewcity.com](mailto:vclaussen@pleasantviewcity.com)); Sean Wilkinson, Weber County ([swilkinson@co.weber.ut.us](mailto:swilkinson@co.weber.ut.us)); Iris Hennon, Weber County Engineering ([ihennon@co.weber.ut.us](mailto:ihennon@co.weber.ut.us))

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